

The rejection of Claims 1-7 and 9-19 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,007,769 (U.S. '769) is traversed because U.S. '769 does not describe the surfactant system as claimed in the present application.

U.S. '769 describe single phase soap composition containing hexagonal phase liquid crystals which as described in column 3, lines 25-30, are rod-shaped micelles that are packed in a hexagonal array and separated by a continuous water region. U.S. '769 also describes the temperatures at which the hexagonal phases are present according to the U.S. '769 invention—see Figure 5, which shows that hexagonal phases (“E”) form at temperatures of 25°C (see also column 10, lines 22-35, which describes Figure 5). The entire disclosure of U.S. '769 is concerned with specific concentrations of fatty acids, e.g., oleic acid, in combination with water which form hexagonal liquid phases. However, U.S. '769 does not describe the selection of a surfactant system which exhibits a hexagonal phase when the temperature increases above 30°C as required in the present claims. Clearly, a surfactant system that forms a hexagonal phase at 25°C is different from a surfactant system which exhibits a hexagonal phase when the temperature increases above 30°C.

Withdrawal of this ground of rejection is respectfully requested.

Similarly, Claims 1-22, 24 and 26 are not obvious under 35 U.S.C. § 103(a) over the combination of U.S. '769 in view of EP 0339994 (EP '994) because EP '994 fails to supplement U.S. '769 with respect to a description for selecting a surfactant system as claimed in the present application.

The U.S. '769 disclosure has been addressed above. EP '994 nowhere describes a temperature at which or above which a surfactant system would exhibit a paracrystalline phase. Rather EP '994, like U.S. '769, is concerned with the formation of various micelle and hexagonal phases at different concentrations of fatty alcohol ethoxylate and fatty acids (see the Figure attached to EP '994). Therefore, U.S. '769 combined with EP '994 fail to

describe or provide any suggestion to select a surfactant system as in the present claims which exhibits a paracrystalline phase when the temperature increases 30°C.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is requested.

The rejection of Claims 21, 23, 25 and 27 under 35 U.S.C. § 102(b) over EP '335 is traversed because EP '335 also fails to describe selecting a surfactant system which exhibits a paracrystalline phase when the temperature increases 30°C, and remains present up to at least 45°C.

EP '335 describes cleaning compositions containing VI phases, which as described on page 6, lines 27-35, exhibit a cube symmetrical diffraction pattern and are cubic liquid crystalline phases. Further on page 6, lines 50-51, EP '335 describes “all references herein to the formation or existence of specific phases or structures are to be construed, unless the context requires otherwise, as references to their **formation or existence at 20°C.**” (emphasis added). Clearly, the surfactants used to form the VI phase in EP '3315 cannot be the same as surfactants which exhibit a paracrystalline phase when the temperature increases above 30°C. This is further supported by the fact that on page 8, lines 8-11, EP '335 describes that “the surfactants are preferably selected to provide a VI phase which melts above 30°C.” How can a surfactant system providing a VI (cubic) phase which melts above 30°C (EP '335) be the same as one which exhibits a paracrystalline (e.g., cubic) phase when the temperature increases above 30°C and remains present up to at least 45°C? They are not the same.

Notwithstanding the additional preferred ranges of melting temperatures of the VI phases on page 8, lines 8-11, it is clear that the surfactants in EP '335 are not the same as those claimed in light of the differences outlined above. Withdrawal of this ground of rejection is respectfully requested.

As there are no remaining issues in this application, Applicants respectfully request that it is passed onto issuance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Daniel J. Pereira, Ph.D.
Registration No. 45,518



22850

Tel.: (703) 413-3000
Fax: (703) 413-2220